

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN

UNITED STATES OF AMERICA,

Plaintiff,

v.

Case No. 18–CR-62 (PP-DEJ)

BRIAN L. GANOS, SONAG COMPANY, INC.,
MARK F. SPINDLER, AND NUVO CONSTRUCTION CO., INC.

Defendants.

MOTION TO QUASH

The State of Wisconsin, by Assistant Attorney General Randall Schneider, moves to quash the Rule 17 subpoenas that were served on the Wisconsin Elections Commission and the Wisconsin Department of Transportation in the above-entitled matter requesting that said agencies provide confidential information to the defendant herein.

As grounds therefore, the State of Wisconsin states as follows:

1. In order for a Federal Rule 17 subpoena to be enforced, the defense must make the following showing to the court:

[T]he moving party must show: (1) that the documents are evidentiary and relevant; (2) that they are not otherwise procurable reasonably in advance of trial by exercise of due diligence; (3) that the party cannot properly prepare for trial without such production and inspection in advance of trial and that the failure to obtain such inspection may tend unreasonably to delay the trial; and (4) that the application is made in good faith and is not intended as a general “fishing expedition.”

United States v. Nixon, 418 U.S. 683, 700, 94 S. Ct. 3090 (1974).

2. The State of Wisconsin and the court have not been advised of the legal basis of the defendant's claim and how these documents are relevant to said claim. Because the defense has not made the requisite showing, the State of Wisconsin moves to quash the subpoenas.

Dated this 29th day of August, 2018.

Respectfully submitted,

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